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LETTER DATED 23 FEBRUARY 1995 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith a special report to the Security Council prepared by the Commander-in-Chief, United Nations Command. The report is submitted in accordance with Council resolution 84 (1950) of 7 July 1950.

I would be grateful if you could kindly arrange to have this report circulated as a document of the Security Council.

(Signed) Edward W. GNEHM
Deputy Permanent Representative

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Annex

Special report of the United Nations Command to the Security Council on the Korean People's Army's actions against the Neutral Nations Supervisory Commission

1. The United Nations Command was created in response to Security Council resolution 84 (1950) of 7 July 1950. In that resolution, the Council recommended the establishment of a Unified Command under the United States of America, in order to repel North Korean aggression against the Republic of Korea and to restore peace and security. It also requested that the United Nations Command provide the Security Council with reports, as appropriate, on the course of action taken under the Unified Command.

2. The Korean Armistice Agreement of 27 July 1953, between the Commander-in-Chief, United Nations Command, on the one hand and the Supreme Commander, Korean People's Army, and the Commander, Chinese People's Volunteers, on the other hand, established a state of truce on the Korean peninsula and remains in effect today. Article II, paragraphs 36 and 37, of the Armistice Agreement established the Neutral Nations Supervisory Commission. It is composed of four senior officers, two of whom are appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely Sweden and Switzerland, and two of whom are appointed by neutral nations nominated jointly by the Supreme Commander, Korean People's Army, and the Commander, Chinese People's Volunteers, namely Poland and (the former) Czechoslovakia. The missions of the Neutral Nations Supervisory Commission are to oversee the cessation of the introduction of reinforcing military personnel and equipment and to conduct investigations of armistice violations.

3. In January 1993, when the former Czechoslovakia split into two separate nations, the Korean People's Army/Chinese People's Volunteers withdrew their nomination from the Neutral Nations Supervisory Commission, pledging to nominate a replacement nation. In April 1993, the former Czechoslovak Neutral Nations Supervisory Commission delegation departed from Korea. To date, no replacement nominee has been identified by the Korean People's Army/Chinese People's Volunteers. The Neutral Nations Supervisory Commission has continued to function with three delegations.

4. The six officers of the Polish delegation of the Neutral Nations Supervisory Commission reside in a camp near Panmunjom on the northern side of the Korean demilitarized zone (DMZ). All support for the operation of the camp and subsistence of the Polish officers is provided by the Korean People's Army. This support includes rations, medical and dental care, transportation, utilities and physical security.

5. On 23 January 1995, a general officer of the Korean People's Army informed the Polish member of the Neutral Nations Supervisory Commission that all support to the Polish camp would be withdrawn effective 28 February 1995. If the Korean People's Army were to take this action, it would prevent the Polish delegation from performing its duties and force the Polish officers to leave their camp.

6. On 9 February 1995, an officer of the Korean People's Army informed the Polish alternate member of the Neutral Nations Supervisory Commission that transportation support to the Polish officers would be withdrawn, effective on 10 February 1995. This withdrawal of transportation support has physically isolated the Polish delegates in their camp and restricted them from travelling to the joint security area, Panmunjom to meet with the Swiss and Swedish Neutral Nations Supervisory Commission delegations' officers and conduct official meetings. The Korean People's Army officer also informed the Polish delegate that the Polish officers would be considered "illegal foreigners in the DMZ" after 28 February 1995.

7. On 14 February 1995, for the first time in 42 years, the Polish member failed to attend the weekly plenary session of the Neutral Nations Supervisory Commission.

8. The unilateral actions taken by the Korean People's Army against the Polish delegation violate the terms of the Korean Armistice Agreement, article II, paragraphs 13 G, J, and H. Under these provisions, the Korean People's Army is obliged to afford full protection and all possible assistance and cooperation to the Neutral Nations Supervisory Commission; provide such logistic support, including communications and transportation facilities, as may be required by the Neutral Nations Supervisory Commission; and ensure that all personnel of the Neutral Nations Supervisory Commission enjoy the freedom and facilities necessary for the proper exercise of their functions, including privileges, treatment and immunities, equivalent to those ordinarily enjoyed by accredited diplomatic personnel under international usage.

9. The United Nations Command has communicated to the Korean People's Army its concern over this action, pointing out that any changes to the Korean Armistice Agreement must be agreed upon by all three signatories, and that the Commander-in-Chief, United Nations Command, has not agreed to a change in the Neutral Nations Supervisory Commission.

10. The United Nations Command has also requested that the Korean People's Army/Chinese People's Volunteers nominate a replacement for the former Czechoslovak member of the Neutral Nations Supervisory Commission. To date, the Korean People's Army/Chinese People's Volunteers' side has not made a positive response.

11. The United Nations Command values highly the continued participation of the Neutral Nations Supervisory Commission in the Korean armistice system. The Neutral Nations Supervisory Commission provides a credible neutral perspective in the resolution of Korean armistice incidents and acts as an alternate channel of communications between the two sides. The day-to-day presence of the Neutral Nations Supervisory Commission at the joint security area, Panmunjom, provides an important moderating influence within this sensitive conference site, which has helped to alleviate tension.